



‘Public Watchdogs’: An analysis of the role of the public in Environmental Impact Assessments

*Daniel Mosley**

Introduction

Environmental Impact Assessments (EIAs) provide an opportunity for the public to participate in the decision-making process behind approving, or rejecting, projects which are potentially, or palpably, environmentally harmful. The role of the public in the decision-making process, however, is merely consultation. It is reasonable to assume that public participation is an invaluable contribution to EIAs; as Holder notes:

“[Participation] contributes to the correctness or validity of decisions, by allowing assertions to be checked against the views of those who have local knowledge of an area, or are interested parties”.¹

Furthermore, public participation also allows the exercising of democracy and discussion in an area which is traditionally technocratic. However, this technocracy shuts the public out of the discussion (as shall be discussed later in the article). It only seems fair that the public, who may be affected by various proposals, have a right to join in the discussion; thus, public participation is very useful for the EIA process.

Despite the recognition of the virtues of public participation in EIAs, it is clear that public participation may bear little, or even no, influence upon the decision to grant planning permission; this can primarily be pin-pointed to the decision-maker, being the State, who is afforded absolute discretion in their decision. The consultations with the public – who

* Student at the University of Dundee (3rd Year LLB English Law). The author would like to thank George Dick for his suggestions and comments.

¹ Jane Holder, *Environmental Assessment: The Regulation of Decision Making* (OUP, 2004), 194.

possess no legal controls to impose their opinions upon a decision-maker – may be disregarded absolutely. This essay explains the case of *Berkeley (No. 1)*² in order to reflect the relevance of public participation in decision-making; it then considers the provisions in place for accommodating public access to information, and participation. Meanwhile, it sets forth further ideas, as to how to tackle the lack of effectiveness that public participation often has in relation to decision-making.

Section 1- EIAs and Public Participation

EIA, Public Involvement and Political Interference

The chapter, ‘Environmental assessment: dominant or dormant?’³, notes that environmental assessment is part of a “wider decision-making political context”⁴, meaning that “economic, social, or political factors will outweigh”⁵ the potential damage to the environment caused by a project. This substantiates the notion that environmental impacts are poorly represented, and often undermined by these factors, which governments feel compelled to advance. It is suggested that environmental harm would be a more significant consideration by the public, who generally have a wider range of interests than government and developers, since they are more willing to balance the benefits of a project against the environmental harm that the project may cause.

In the case of *Royal Society for the Protection of Birds v Scottish Ministers*,⁶ the significance of public participation was disparaged by the Court of Session. The Lord Ordinary made this clear in his opinion:

“It should not create an endless process of notification of, and consultation on, every matter which is, or becomes, available to the decision-maker prior to the decision”.⁷

While it is reasonable that consultation with the public is unnecessary at every stage, minimising all public interaction risks valuable insight being overlooked. In spite of the lack of legal controls afforded to the public, there are obvious benefits to their participation. Sheate makes note of numerous benefits of public participation in environmental assessment,

² [2001] 2 A.C. 603

³ Carys Jones *et al*, ‘Environmental assessment: dominant or dormant?’, in Jane Holder and Donald McGillivray (eds.), *Taking Stock of Environmental Assessment: Law, Policy and Practice* (Routledge Cavendish, 2007).

⁴ *ibid* 17.

⁵ *ibid*.

⁶ [2017] CSIH 31.

⁷ *ibid* para 194.

for example, “identification of key issues of concern to the public”,⁸ “local expertise and knowledge utilised”⁹ and “people affected are involved before irreversible decisions are made”.¹⁰

Berkeley (No. 1)

The case of *Berkeley v Secretary of State for the Environment, Transport and the Regions (No. 1)* highlights the significance of requiring EIAs for projects, to accommodate public participation in the decision-making process. The case concerned the construction of flats, as well as a riverside walkway, beside the River Thames. The issue was that the construction of the walkway would cause its supporting structure to encroach upon the bank of the river, potentially damaging its aquatic environment.¹¹ In response to this, the developer agreed to ‘mitigation measures’, to lessen the environmental impact of the walkway. The application for construction was granted by the Secretary of State, albeit subject to the mitigation measures coupled with other conditions set forth by the Minister. The Secretary of State did not, however, require the use of an EIA, before the grant of planning permission. The applicant to the court opposed this planning permission on the grounds that it was “*ultra vires*”¹² to have granted it without requiring an EIA. The House of Lords acknowledged that, during the previous proceedings in the lower courts, the respondents (developers) did concede that the lack of an EIA was unlawful, and that an assessment should have been undertaken prior to the grant of planning permission. The case thus transcended the procedural issue, of whether an EIA was required for that project, to a substantive issue: whether, given the facts presented before the Secretary of State (which, in the House of Lords’ view, placed the project within the necessary requirements of a ‘Schedule 2’¹³ application, and was thus likely to have required EIA), it mattered that an EIA was not used.

Lord Hoffmann, in the leading judgement, stated that EIAs allow the public to access information regarding the environmental impact of a project, and that the public “is given an

⁸ William Sheate, *Environmental Impact Assessment: Law and Policy: Making an Impact II* (Cameron May, 1996) 88.

⁹ *ibid.*

¹⁰ *ibid.*

¹¹ *Berkeley (No. 1)* (n.2) 611.

¹² *ibid* 613.

¹³ See, Council Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance OJ L26/1, Annex II

opportunity to express its opinion on the environmental issues”.¹⁴ Lord Hoffmann stated that, by having to expend unnecessary time and energy upon accessing said information, the public were hindered from playing an active role in the process of environmental assessment. This was because the ‘paper chase’ of documents did not substitute an actual environmental statement.¹⁵ As a result, the public would be hindered from playing an active role in the process of the environmental assessment, due to the fact that the public would not have easy access to the documents within a single collated document. In this case, therefore, the courts attacked the mechanisms put in place by the authorities to ensure public participation with the project; state authorities must exert effort into ensuring that the public can be informed, and participate, in a decision which may affect them through environmental impact. It seems that the Secretary of State did not consider the level of opposition that existed against the project, which arose not only from Lady Berkeley, but also the London Ecology Unit – who possessed particular expertise in the habitats of the Thames – amongst others. Had an EIA been carried out, the decision to grant planning permission may have been influenced.

This article shall now discuss the leading provisions for public participation within the EIA process, and shall evaluate whether they are effective in ensuring effective and continuous public participation in this area.

Section 2- Provisions for Public Participation

How are the public notified?

There has often been concerns about how information concerning projects is disseminated to the public. In this case, there are a few provisions, but the central one is the Aarhus Convention.¹⁶ In Article 4, the Convention provides for the access of information relating to decisions. While the 2011 Directive on EIAs¹⁷ does provide for ‘active’ dissemination of information, such as ‘publication in local newspapers’,¹⁸ this is at the discretion of Member States; The Town and Country Planning (Environmental Impact Assessment) Regulations

¹⁴ *Berkeley (No. 1)* (n.2), *per* Lord Hoffmann 615.

¹⁵ *ibid* 617.

¹⁶ UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, signed at Aarhus, Denmark, on 25 June 1998 (‘Aarhus Convention’).

¹⁷ Council Directive 2011/92/EU of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance OJ L26/1

¹⁸ *ibid*, Art. 6(5).

2011 implement this by stating that the information must be made available in a local newspaper.¹⁹ Furthermore, the 2014 Directive,²⁰ which amends aspects of the 2011 Directive, states that information should now be available for access electronically as well;²¹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which puts the 2011 Directive into UK law, state that details of the website containing the information must be made available in a local newspaper.²² The use of the internet in information access is a step in the right direction; it overcomes the obstacles of time, cost and energy required to travel to a designated location, within the time between the release of the environmental statement and the grant of planning permission, to view the environmental statement (there are some groups who may lack internet access, such as the elderly, however there are still avenues, such as newspapers, to find out about EIAs). However, it does not offer the opportunity for the public to contact the local authority, or the Secretary of State, using the internet, instead providing only for contact in writing. Contacting local authorities via the internet is arguably the next step for public participation: to allow the public to respond to the environmental statement through the accessible medium of the internet, thereby simplifying consultation avenues which, in turn, facilitates more active public participation.

How can the public participate?

This section leads into the next objective of the Convention: Article 6 provides the legal framework for allowing public participation in environmental assessments, which is promoted through disseminating information, as well as requiring decision-makers to inform the public of ‘opportunities...to participate’,²³ including public hearings.²⁴ And yet, despite the opportunities afforded to the public to ‘participate’ in EIAs, the public may only offer their opinions into the decision-making process; public participation has no legal effect upon decisions made upon projects. However, it is suggested that the public’s contributions should bear legal influence over decisions, since this is an exercise of democratic contribution; especially since these decisions will undoubtedly have effects upon everyone within the

¹⁹ Town and Country Planning (Environmental Impact Assessment) Regulations 2011, Reg. 17(2).

²⁰ Council Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance OJ L124/1

²¹ *ibid* Art.1(6)(b).

²² Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Reg. 20(2)(f).

²³ Aarhus Convention (n.16), Art.6(2)(d)(ii).

²⁴ *ibid* Art.6(2)(d)(iii).

vicinity of a project's environmental impact. Ost notes the role of EIAs in allowing active public participation:

“...it is supposed to allow the expression of a democratic logic (broad information, public enquiry, adversary debate) in the course of a process which is more of a private, technocratic nature.”²⁵

The public's participation is of significance if the concept of 'mitigating' environmental impacts is scrutinised. A government body, or person, exercising their expertise in considering the least environmentally harmful alternative to construction and operation of a project will not consider the same factors as the public, who may be directly affected by the environmental harm, and may oppose the project, and any alternative to said project, whatsoever. Nor is there a substantial guarantee that said governmental body, or person, will not simply seek the minimum environmentally harmful approach to a project, to avoid being challenged in the courts, rather than seek an environmentally higher standard than that minimum.

Improving access to information and participation

Holder expounds the 'Deliberative Ideal': that decision-making should revolve around discussion, and that people who are affected by these decisions are part of this discussion.²⁶

Holder champions this approach because it:

“...reflect[s] more accurately the range of values...(beyond that offered by representative democracy), particularly about the acceptability of a particular risk. This recognises the need for a broader range of knowledge, particularly local knowledge, to balance or question the prevalence of scientific technicism...”²⁷

The concept of the Deliberative Ideal encapsulates a viable solution to public participation being addressed on a local, or national, level. The idea that the public may be consulted by the decision-maker for consultation, bridges the divide between State and technical bodies assessing the most viable outcomes with regard to social, economic or political factors burdening them, and the public who, inevitably, will be affected by any environmentally

²⁵ Francois Ost, 'A Game Without Rules? The Ecological Self-Organisation of Firms' in G. Teubner, L. Farmer, and D. Murphy (eds), *Environmental Law and Ecological Responsibility* (Wiley-Blackwell, 1994) 351.

²⁶ Holder (n.1), 195.

²⁷ *ibid.*

harmful project undertaken. EIAs at present only grant access to information, allowing a time period for contributions from the public. It is recommended that the Deliberative Ideal methodology be implemented through legislation obliging Planning Authorities to engage in discussions with those members of the general public who may be affected.

Lengthening the time-limit for public participation is another possible method of improving upon EIAs; Hartley and Wood advance this argument:

“The findings of this research suggest that allowing more time for public participation by modifying the UK EIA legislation to extend the consultation period from three to, say, six weeks...would be particularly beneficial.”²⁸

This, though by no means a conduit for imposing controls upon the decision-maker, does provide an opportunity for public sentiment towards the project to be better represented. It would allow for the possibility of later realisations about the project to be made, thus avoiding ‘missed opportunities’ to voice public opinions on the project, with more time to acquire further scientific information on environmental effects.

Another possible improvement would be to obligate decision-makers to take public consultations into account, having an independent body which ensures this occurs; Richardson and Razzaque agree with this:

“Agencies should be obliged to initiate consultation with persons or organisations identified...as having a stake in a proposed decision...governments should establish public participation watchdogs, to monitor and verify that environmental decision-making processes are in fact transparent, participatory and accountable.”²⁹

While possessing advantages, these proposals would not likely be acted upon by state authorities, as the Government would never be averse to sanctioning its own policing by ombudsmen. However, if an independent body exercised jurisdiction on a local level, it would ensure regular discourse between local authorities and people, and locality would ensure speed and effectiveness in finding solutions to environmental harm.

²⁸ Nicola Hartley and Christopher Wood, ‘Public participation in environmental impact assessment – implementing the Aarhus Convention’, (2005) 25(4) EIA Review 319, 338-339.

²⁹ Benjamin Richardson and Jona Razzaque, ‘Public Participation in Environmental Decision-making’, in B. Richardson and S. Wood (eds.), *Environmental Law for Sustainability: A Reader*, 193

Continuation of public participation

The case of *Douglas v Perth and Kinross Council*³⁰ provides an alternative approach by enabling public participation beyond the grant of planning permission; suggesting that the public should be active in participating in the monitoring of the environmental effects of the project during its operation. The case involved the grant of planning permission for a wind farm. The petitioners to the court complained that full consideration of the implications of the wind farm's construction and operation upon certain protected species was not taken, due to further information about said animals' habitats only coming to light after the environmental assessment had been completed.³¹ The court concluded that the initial environmental assessment undertaken had been sufficient, due to a condition attached to the planning permission requiring continued observation of the habitat during the construction and operation of the project, in order to detect possible effects on the habitat. This, the court stated, improved public participation, since interested parties – including environmental protection bodies – could monitor the habitat and consult state authorities upon any later harm which had arisen.³² The court noted that: 'If further information is provided to the local planning authority in a case such as the present...it must in our view be assumed that the authority will act in good faith and pass the information on to the developer...'³³

This assumption, if accurate, would mean that previously unforeseen harm would be brought to the attention of the developer, who – compelled by the condition – would be obliged to take it into account, otherwise they would face criminal liability;³⁴ within this is an assumption that the developer would be obliged to act upon it. This calls to mind the 'Deliberative Ideal', because it allows the public to maintain constant discourse with the developer, to protect environmental interests. The case noted the use of an 'Ecological Clerk of Works',³⁵ who would even possess the power to suspend works in the event of harm to a particular habitat. However, previously unforeseen environmental harm, induced by the construction or operation of the project, could therefore be acted upon too late. An EIA possesses the virtue of assessing harm pre-emptively; but continued monitoring, coupled with an EIA, guarantees continuing protection of environmental interests.

³⁰ [2017] CSIH 28.

³¹ *ibid* para 15.

³² *ibid* paras 35-38.

³³ *ibid* para 38.

³⁴ See, Conservation (Natural Habitats, &c.) Regulations 1994/2716, s.39. See also, *R (Morge) v Hampshire County Council* [2011] 1 All E.R. 744, para 26

³⁵ *Douglas* (n.30), para 36.

However, there are many barriers to public participation, which would obstruct the ability of the public to be heard on environmental issues. These include thresholds, salami slicing and screening processes. Each shall be considered in turn.

Section 3- Barriers to Public Participation

Thresholds

In Article 4(2) of the 2011 EIA Directive, it is provided that Member States of the EU shall be afforded the discretion to determine whether a project may require environmental assessment before consent is given.³⁶ This applies to ‘Annex II’ projects – projects which are not definitive in whether they may cause a large-scale environmental impact – and thus are exempt from mandatory EIAs.³⁷ Furthermore, these determinations may be made either by use of a threshold, to determine whether the level of environmental harm is significantly harmful to warrant an investigation into whether an assessment is required, or on a case-by-case basis, meaning that every project is considered individually.³⁸ In the UK, a threshold is used; but can thresholds be entirely relied upon? As the plethora of threshold-related cases reflects, (both nationally and continentally through the EU), it would seem that they cannot. This is because, inherently, the use of a threshold brings with it the issue that often it can be set ‘too high’, allowing whole groups, or classes, of projects to pass under it.

A prime example of this is Case C-133/94 *Commission v Belgium*,³⁹ in which chemical works were considered under a threshold set so high that the whole class of Annex II projects was effectively exempt.⁴⁰ This can be an issue if more than one of these small-scale projects pass under this threshold by virtue of the collective ‘cumulative’ effects that these projects will create. The case of *Berkeley v Secretary of State for the Environment, Transport and the Regions (No. 3)*⁴¹ noted that not only must a Secretary of State account for the size of a project in solitude, they must also consider its nature and location.⁴² *Prima facie*, these three considerations could be a justifiable counter-argument to the abolition of thresholds.

³⁶ 2011 Directive (n.17), Art.4(2).

³⁷ *ibid*, Annex II.

³⁸ *ibid*, Art.4(2)(a) and (b).

³⁹ [1996] ECR I-2323.

⁴⁰ *ibid* paras 40-43.

⁴¹ [2002] Env. L.R. 14.

⁴² *ibid* 399. See 2011 Directive (n.17), Annex III for the (listed) relevant environmental factors.

However, there is no guarantee that all three factors would receive equal consideration by state authorities; furthermore, these would still bear little consequence upon the result of decision-making if it is clear – from a project’s size, nature and location – that these individual projects would cause merely minor harm on their own, while collectively, they might cause environmental harm on a larger scale. Large projects can also be deconstructed into smaller ones, which, in isolation, avoid thresholds – known as ‘salami-slicing’ – but cause massive harm collectively. In lieu of this issue, the courts have taken steps to prevent the problem of ‘salami-slicing’.

Cumulative effects and ‘salami-slicing’

The cumulative environmental effect of minor projects can be seen in Case C-227/01 *Commission v Spain*,⁴³ in which a short section of railway track was granted planning permission on the basis that the project, in isolation, would not produce a considerable environmental impact. However, the European Commission contended that the cumulative effects of the project – which, in conjunction with other sections of railway track, formed the ‘Mediterranean Corridor’ project, connecting Spain to France – made it an Annex I project,⁴⁴ subject to mandatory EIA.⁴⁵ The European Court of Justice upheld the contention, stating that:

“If the argument of the Spanish Government were upheld, the effectiveness of Directive 85/337^[46] could be seriously compromised, since the national authorities concerned would need only to split up a long-distance project into successive shorter sections in order to exclude from the requirements of the Directive both the project as a whole and the sections resulting from that division.”⁴⁷

The Court, therefore, acknowledges the risk of ‘salami-slicing’ within projects, reflected in the Court’s aversion to its use in the evasion of EIA. It should be acknowledged, however, that the project at issue was an Annex I project, since it involved the construction of a railway. It is submitted that other projects, particularly those which are Annex II, may be more susceptible to salami-slicing, since these projects are analysed on a case-by-case basis.

⁴³ [2004] ECR I-8253

⁴⁴ *ibid* paras 44-49.

⁴⁵ See, 2011 Directive (n.17), Annex I for projects requiring mandatory EIA.

⁴⁶ The previous EIA Directive, the contemporary authority— Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1985] OJ L175/40

⁴⁷ *Commission v Spain* (n.43), para 53.

Contrast *Commission v Spain* with *R (Bowen-West) v Secretary of State for Communities and Local Government*,⁴⁸ in which the Secretary of State approved the deposition of radioactive waste in a landfill site housing hazardous waste. The issue was whether the initial EIA, issued for the deposit of radioactive waste, should have been used to consider proposed extensions to the deposition; this would have seen a further one million cubic metres of waste deposited at the site by 2026. It would seem logical that such a potential environmental risk, engendered by this action, should require further assessment; however, it is clear from the court's judgement that the original project was considered to be in isolation of any further project proposals, thereby nullifying the need to consider the entire proposed plan up to 2026 as one cumulative project.⁴⁹ The concerning issue here is the potential for massive, cumulative harm, not least because of the nature of the waste, but also through the sheer size of all said projects together. The grant by state authorities of planning permission to smaller projects will continue to have a high cumulative impact, until such a time as these projects are considered in terms of collective impact.

Salami slicing is a major issue, of course, because it would not only exclude the need for an EIA, but also, as a result, the ability for the public to contribute towards the EIA. However these cases can be extremely difficult to resolve: for instance, in *R. (Larkfleet Ltd) v South Kesteven DC*,⁵⁰ the court had to decide whether an application for a road was linked to the proposal of a housing estate to come from that road. The court pragmatically decided that the road and housing estate were separate projects, since the road would be an extension of the ring road in the area. An interesting element was that Sales LJ ruled that the planner had done as much as they reasonably could to document cumulative effects, given the uncertainty of any further future developments.⁵¹

While uncertainty is inevitable, it does have the result that the public may be excluded from the process. Perhaps to ameliorate the uncertainty, it should be possible for the public to have a right to request that proposals, even under the threshold, be reviewed, on a case-by-case basis. The point of this would be to recognise potential or unforeseen environmental impacts based on the individual effects of each project. Neither the 2011 Directive, nor the 2014 Directive, require a case-by-case analysis of those projects falling below set thresholds. While it is arguable that, with the considerations of *size, nature* and *location* to take into

⁴⁸ [2012] Env. L.R. 22.

⁴⁹ *ibid* 455-458.

⁵⁰ [2016] Env. L.R. 4.

⁵¹ *ibid* 89

account, each project *is* considered on a case-by-case basis; the three factors determine whether the environmental impact is considerable enough to bring it above the thresholds. Despite this, other considerations can apply, for example, cumulative effects of other projects in proximity to the one considered, and the possibility of subsequent projects arising from the initial project under consideration, possessing a cumulative effect later on. It is unlikely, however, that this will be enforced, due to time and cost factors.

Screening Processes

Screening refers to “the process of determining whether environmental impact assessment is required for a specific project”.⁵² This is the process carried out by the local authority in determining whether an EIA is required. However, screening can also lead to less public participation. One of the most pressing concerns of screening is the power of discretion, afforded to public authorities. Wood and Becker explain:

“The implicit exercise of discretionary judgement in relation to the identification of significant effects during screening decision making has clear potential to lead to diversity in the requirement for EIA, and raises serious challenges for ensuring consistency of application of the regulations...”⁵³

A lack of environmental assessments through ineffective screening creates a barrier to public participation; without an EIA, there is no participation in the decision whatsoever. In practice, there is not a great amount of screening done and much of it is ineffective.⁵⁴ The 2011 Directive, however, had the effect of causing the number of assessments to rise, by creating screening criteria by which public authorities could establish whether a project required environmental assessment or not.⁵⁵ The case of *R (Friends of Basildon Golf Course) v Basildon District Council*⁵⁶ held that a serious miscalculation of environmental harm caused can lead to a screening opinion being held unlawful, by virtue of the fact that the full effects of the project were not likely to have been assessed.⁵⁷ This suggests that ineffective screening

⁵² Stephen Tromans QC, *Environmental Impact Assessment* (2nd edn, Bloomsbury 2012), 99

⁵³ Graham Wood and Julia Becker, ‘Discretionary Judgement in Local Planning Authority Decision Making: Screening Development Proposals for Environmental Impact Assessment’ (2005) 24(3) *Journal of Environmental Planning and Management* 349, 353.

⁵⁴ Stuart Bell, Donald McGillivray *et al*, *Environmental Law (Ninth Edition)* (OUP, 2017) 468.

⁵⁵ *ibid* 469.

⁵⁶ [2011] Env. L.R. 16.

⁵⁷ *ibid* 305. See also, Bell *et al* (n.54), 468.

procedures will be subject to judicial scrutiny; therefore, state authorities' discretion may be challenged, giving decision-makers incentive to consider the environmental effects of a project – when a screening opinion is required of them – cautiously, with greater incentive to require an EIA than if the decision-maker had complete, unfettered, discretion.

Conclusion

It seems evident from the issues of public participation in EIAs that there are a multitude of deficiencies which can be discerned from the application of EIA procedures. This essay has also suggested some possible solutions to these issues, though it is likely to be only through national, or international, legislation, that alterations to the nature of public participation would be implemented. The decisions made will always be subject to political considerations, as Wood stresses: “The political nature of the decision-making context of EIA is inescapable. It cannot be assumed that the provision of high-quality environmental information, of itself, will lead to decisions that are consistently ‘environmentally friendly’.”⁵⁸

It seems unlikely that major alterations will be made to the Aarhus Convention; likewise, discretion is unlikely to be retracted from EU Member States in exercising decision-making power, including via thresholds or a case-by-case basis. However, public concern in a project still applies pressure to a decision-maker, which can constrain complete discretion to achieve a more ‘environmentally friendly’ outcome.

⁵⁸ Christopher Wood, *Environmental Impact Assessment: A Comparative Review* (2nd edn, Routledge, 2002), 4.